



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/623,600

07/22/2003

Francesco Piccone

60311-2

5834

35222

7590

11/13/2009

LANG MICHENER

BROOKFIELD PLACE, P.O. BOX 747

SUITE 2500, 181 BAY STREET

TORONTO, ON M5J 2T7

CANADA

EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3637

NOTIFICATION DATE

DELIVERY MODE

11/13/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@langmichener.ca

Office Action Summary	Application No. 10/623,600	Applicant(s) PICCONE, FRANCESCO	
	Examiner MICHAEL SAFAVI	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/08</u> . | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2009 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification had not originally presented "a plurality of inner support panels disposed entirely within the perimeter wall" as now recited within claim 1. The specification had not originally presented "a plurality of inner support panels for disposition entirely within the perimeter wall" as now recited within claim 11.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8, it is not clear as to what is being defined by “a plurality of inner support panels disposed entirely within the perimeter wall”. The specification does not appear clear and complete as to what is meant by “disposed entirely within the perimeter wall”.

Claim 2, line 2, to what does “support panel connector means” refer? Would this be the same as the “support panel connector means” recited within line 10 of claim 1?

Claim 3, line 2, to what does “support panel connector means” refer? Would this be the same as the “support panel connector means” recited within line 10 of claim 1?

Claim 11, lines 8-9, it is not clear as to what is being defined by “a plurality of inner support panels for disposition entirely within the perimeter wall”. The specification does not appear clear and complete as to what is meant by “for disposition entirely within the perimeter wall”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Piccone 5,740,648. Piccone discloses, Fig. 1, a plurality of elongate vertically-extending wall panels 12 interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means 78, 112 along their longitudinal edges to define a perimeter wall of formwork assembly; and, a plurality of inner support panels 14, 23 disposed “entirely” within the perimeter wall and interconnected with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 40, 42 provided on the inward-facing surface of the wall panels 12. At least one tensioning panel 34, (or any of 12), is interconnected with at least one wall panel 12 and at least one support panel 23. The wall panels have inner and outer surfaces and the elongate wall interconnection means are complementary, such that two adjacent wall panels presented with their inner surfaces in the same orientation may be interconnected, the wall panels further having support panel connector means disposed on their inside surface for interconnection with support panels having complementary support panel connector means.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Majnaric et al. 5,553,430. Majnaric et al. discloses, Figs. 5 and 6, a plurality of elongate vertically-extending wall panels, (any of 26), interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means 28 along their longitudinal edges to define a perimeter wall of formwork assembly; and, a plurality of inner support panels 20, (or 18), disposed “entirely” within the perimeter wall and interconnected with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 30 provided on the inward-facing surface of the wall panels 26. At least one tensioning panel, (any one of 26, i.e., another section of 24 or 34), is interconnected with at least one wall panel 26 and at least one support panel 20. The wall panels have inner and outer surfaces and the elongate wall interconnection means are complementary, such that two adjacent wall panels presented with their inner surfaces in the same orientation may be interconnected, the wall panels further having support panel connector means disposed on their inside surface for interconnection with support panels having complementary support panel connector means.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Grinshpun et al. 6,247,280. Grinshpun et al. discloses, Figs. 1 and 4, a plurality of elongate vertically-extending wall panels, (any of 1 and 2), interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means 203,

204 along their longitudinal edges to define a perimeter wall of formwork assembly; and, a plurality of inner support panels 7 disposed “entirely” within the perimeter wall and interconnected with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 205 provided on the inward-facing surface of the wall panels 1, 2. At least one tensioning panel, (any one of 1 and 2, i.e., another section of 1a/2a or 1b/2b), is interconnected with at least one wall panel, (1a, 2a, or 1b, 2b), and at least one support panel 7. The wall panels have inner and outer surfaces and the elongate wall interconnection means are complementary, such that two adjacent wall panels presented with their inner surfaces in the same orientation may be interconnected, the wall panels further having support panel connector means disposed on their inside surface for interconnection with support panels having complementary support panel connector means.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Lanc 6,167,669. Lanc discloses, Fig. 4A, a plurality of vertically elongate wall panels 10, interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means 18, 14/16 along their longitudinal edges to define an outer perimeter wall of formwork assembly; and, a plurality of inner support panels 20 disposed within the wall and associated with the wall panels at selected suitable intervals *via* connector means provided along the edges of the support panels and complementary support panel connector means 16 provided on the inward-facing

surface of the wall panels 10. At least one tensioning panel 30, (or any of 20), is associated with at least one wall panel 10.

Response to Arguments

Applicant's arguments filed August 24, 2009 have been fully considered but they are not persuasive. With respect to Applicant's argument against Lanc, the instantly rejected claim 11 present a kit of parts that may be assembled to create a formwork. Otherwise, language to "for assembly together in a vertical orientation" appears directed to intended assembly and, as such do not serve to read over the applied prior art. As well, Lanc does disclose "support panel connector means", (e.g., 16), "at a selected suitable regular interval" as is recited within claim 13. Further, Lanc does disclose interconnection and support panels "at selected suitable intervals".

As for Applicant's argument against Piccone, Piccone does disclose "vertically elongate wall panels interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means along their longitudinal edges". Further, Piccone discloses support panels disposed entirely within the perimeter wall with panel 23 lying within the perimeter wall. Even portion 78 or 80 lies within the perimeter wall boundary thus, "disposed entirely within the perimeter wall".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
November 02, 2009